

DOCKET NO.: HHD-CV-21-6142900 S : SUPERIOR COURT  
JETOBRA, INC. : J.D. OF HARTFORD  
V. : AT HARTFORD  
TESLA, INC. AND  
INSITE DEVELOPMENT SERVICES, LLC : AUGUST 25, 2021

**MOTION TO ADD PARTY DEFENDANT  
AND REQUEST FOR LEAVE TO AMEND COMPLAINT**

The plaintiff in the above-entitled matter hereby moves the court for permission to add East Hartford, CT (300 Connecticut) LLC (“EHCT”), an Illinois limited liability company, as an additional party defendant, in that there has been a special permit application made by this party, which affects the previous application and approval referenced in the plaintiff’s complaint, which will be addressed in an amended complaint filed simultaneously herewith, as the proposed party filed an application from which an appeal is taken against the East Hartford Planning and Zoning Commission.

PLAINTIFF

By \_\_\_\_\_/s/\_\_\_\_\_

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CERTIFICATION

This is to certify that on the 25th day of August, 2021, a copy of the foregoing was served upon:

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\_\_\_\_\_/s/\_\_\_\_\_  
Richard P. Weinstein

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**PROPOSED AMENDED COMPLAINT**

**COUNT ONE**

1. The plaintiff owns multiple automobile dealerships on Connecticut Boulevard in East Hartford, Connecticut, including Lexus, Audi, Porsche, Ford and Lincoln, and has been in the automobile business with family predecessor companies for approximately 100 years. Additionally, the plaintiff owns three other dealerships in Simsbury, a dealership in Waterbury, Connecticut, and a dealership in New London, Connecticut. All of plaintiff's dealerships are lawfully licensed new and used car automobile dealerships operating under the laws and regulations promulgated in the State of Connecticut for new and used car dealers. All of the plaintiff's dealerships are franchised through a manufacturer in accordance with the requirements of Connecticut law. All new and used car dealers in the State of Connecticut are

licensed franchise dealers, employing thousands of individuals in the state of Connecticut and responsive to local service customer complaints.

2. The defendant Tesla, Inc. (“Tesla”) is an automobile manufacturer, but seeks to open up a business in East Hartford, Connecticut in close proximity to the plaintiff’s dealerships for the sale of new automobiles and pre-owned vehicles and service, in violation of Connecticut law as it will not be subject to the control and regulations of the Department of Motor Vehicles of the State of Connecticut.

3. Upon information and belief, Tesla entered into a purchase contract with Clayton and Edith Gengras in regard to property known as 300 Connecticut Boulevard in East Hartford, Connecticut.

4. The defendant InSite Development Services, LLC (“Insite”) applied to the defendant Planning and Zoning Commission for East Hartford for a site plan modification and special use permit for “electric car showroom and service center” to be owned and operated by the defendant Tesla.

5. While the Special Use Permit Application was dated March 3, 2021, the hearing on the application was not held until April 14, 2021. The application referred to Section 403.1.a.13 of the Zoning Regulations of the Town of East Hartford, but ultimately the commission granted a Special Use

Permit pursuant to § 403.2.1 for use of “an electric car manufacturer as a service center and showroom to conduct repairs, maintenance, charging and storage of new and preowned vehicles” which approval has now been revoked, and a site plan modification approval pursuant to § 210.2.d for business signage for “Tesla Service Center and Showroom” which has now been modified by EHCT.

6. In regard to the application filed by the defendant InSite, that entity was involuntarily dissolved by the Secretary of State of Illinois on March 16, 2021, and thereafter legally lacked standing to pursue its application at the time of the April 14, 2021 hearing. Insite was acting apparently on behalf of its undisclosed principal, the defendant Tesla.

7. In regard to both Special Use Permit and Site Plan Application Approval, the commission reflected as follows: “In evaluating this Application, the Planning and Zoning Commission has relied upon the information provided by the Applicant and if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.”

8. Further, the Zoning Regulations of the Town of East Hartford provide in § 224.1 a restriction or prohibition on permits or certificates of

zoning compliance for exhibition and storage of used motor vehicles or parts of new or used motor vehicles unless the display, exhibit or storage is in conjunction with bona fide franchise sales agency engaged in the sale of new motor vehicles.

9. Tesla would not and could not satisfy that section aforesaid of the Zoning Regulations, as it is the manufacturer and not a franchisee.

10. The plaintiff made the PZC aware of the improprieties and has commenced an action against the PZC in connection with the approvals. The PZC has now revoked the Insite approval of the special permit, but has now granted a Special Use Permit through an application from the newly proposed defendant EHCT pursuant to § 403.2a. Again, Tesla conceals that it is the true user of the facility.

11. There are statutes and regulations which govern automobile dealerships in the State of Connecticut, including those promulgated by the Department of Motor Vehicles and its commissioner, as well as the statutory provisions included in C.G.S. § 14-54 *et seq.* Said regulations do not permit a manufacturer to sell motor vehicles directly to the consuming public.

12. The new EHCT application and permit purports to include “repair, service, maintenance, collision, auto body repair, display, delivery and indoor

storage of new and pre-owned automobiles, energy products and offerings and related parts and accessories and for general office purposes consistent with all legal requirements.” Although the section under which the defendant applied, 403.2a (the application references “A” but there is no such provision) and the approval was granted in regard to 403.2a, “automobile filling station and repair garages.” There is nothing within that provision that permits or allows for the collision, auto body repairs, display, delivery and indoor storage of new and pre-owned automobiles, energy products and offerings and related parts and accessories and for general office purposes, and the defendant Tesla is not and cannot be licensed in the State of Connecticut to sell automobiles to the consuming public, yet that is exactly what is proposed within the scope of the Special Use Permit that has been granted.

13. The drawings provided in connection with the application submitted by InSite on behalf of Tesla referenced new automobile and truck sales and services, clearly reflecting that it is the intention of Tesla to directly or indirectly sell new and/or used automobiles, in violation of the Connecticut statutes as made and provided, and thereby seeking to avoid the regulations imposed by the Commissioner of Motor Vehicles. This latest application through another disguise, EHCT, reinforces that improprieties of Tesla’s

conduct to evade zoning laws, as well as state statutes and regulations pertaining to the sale of motor vehicles.

14. The Permit and Application upon which Tesla intends to open up its facility and do business with the consuming public will allow it to operate and compete directly with the plaintiff which sells electric vehicles in virtually all of its dealerships, as do most of the dealers in and about the state of Connecticut, all to the special loss and damage of the plaintiff.

15. A dispute exists as to whether or not the defendant Tesla can in fact operate a facility consistent with its application in regard to a Special Use Permit granted under 403.2a, “automobile filling stations and repair garages.” Further, the PZC addressed the previous Insite Site Plan Application by approving a modification by EHCT to the Site Plan.

16. Plaintiff seeks a declaratory judgment that the defendant Tesla cannot so operate as aforesaid, since Tesla as a manufacturer is not permitted under Connecticut law to operate the facility for the uses pursuant to the special use permit including a new and used car dealership.

## **COUNT TWO**

1-16. Plaintiff hereby incorporates paragraphs 1 through 16 of Count One as paragraphs 1 through 16 of this Count Two, as if fully set forth herein.



17. At all times relevant hereto, the conduct of the defendants offended public policy; was immoral, oppressive, unethical and unscrupulous; and caused substantial injury to consumers, competitors and other businessmen; thereby violating the Connecticut Unfair Trade Practices Act ("CUTPA") C.G.S. § 42-110a, *et seq.*, as made and provided, resulting in ascertainable losses to the plaintiff as set forth herein.

18. The plaintiff has forwarded a copy of this complaint to the Connecticut Attorney General's office and the Commissioner of Consumer Protection, as required by C.G.S. § 42-110g(c).

WHEREFORE the plaintiff claims:

1. Declaratory judgment as to:
  - a. whether or not the defendant Tesla can operate to display new and preowned vehicles;
  - b. whether or not the defendant Tesla can install signage referencing Tesla Service Center and Showroom;
  - c. whether or not the defendant Tesla can sell directly or indirectly new or used vehicles through its proposed East Hartford facility;
2. A temporary and permanent injunction precluding Tesla from selling directly or indirectly new or used cars in the State of Connecticut;
3. Damages;
4. Damages pursuant to C.G.S. § 42-110g;
5. Punitive damages pursuant to C.G.S. § 42-110g(a);
6. Attorney's fees pursuant to C.G.S. § 42-110g(d); and
7. Such other legal and equitable relief as the court deems appropriate.

PLAINTIFF,

By \_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATION**

This is to certify that on the 25th day of August, 2021, a copy of the foregoing was served upon:

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